

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 DOCKET NO. 3:18-cv-00200-MOC

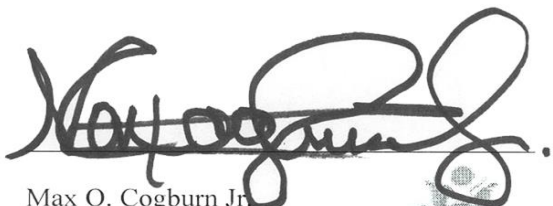
NAILAH M. ALI, Appellant, Vs. CERBERUS SFR HOLDINGS, L.P. , Appellee.)))))))))))	ORDER
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THIS MATTER is before the Court on a “Complaint for TRO, Injunction and for Declaratory Relief” (#2). The filing of a pleading seeking affirmative relief in this Appeal from an Order of the United States Bankruptcy Court is not allowed as this is not civil action under 28 U.S.C. §§ 1330 *et seq.*, but is an appeal from a specific Order governed by 28 U.S.C. § 158. Put another way, an Appeal under § 158 provides an appellant with an opportunity for a district court to review the Order appealed from; it is not an opportunity to file a civil action. Nothing in the Order (#1-1) appealed from indicates appellant raised the issue of a TRO or an injunction with the bankruptcy court. Thus, such filing is non-justiciable in this Appeal. Pierce v. Nilamdeen, 3:08MC00007, 2008 WL 655980, at *1 (W.D. Va. Mar. 10, 2008) (holding, “it does not appear that Plaintiff ever raised the issue of a TRO or PI with the bankruptcy court. Accordingly, that issue may not be considered on appeal, and Plaintiff’s filings therefore fail to state a claim on which relief can be granted.”) (citations omitted).

ORDER

IT IS, THEREFORE, ORDERED that the “Complaint for TRO, Injunction and for Declaratory Relief” (#2) is **DISMISSED** without prejudice as a non-justiciable pleading in this Appeal.

Signed: April 26, 2018



Max O. Cogburn Jr.
United States District Judge